

# **AGENDA EXCOMM MEETING**

Trusts and Estates Section  
State Bar of California

**FEBRUARY 12, 2005  
LAX MARRIOTT HOTEL — 9:30 A.M. to 3:30 P.M.**

## **I. WELCOME, INTRODUCTIONS AND REPORTS OF CHAIR/VICE CHAIR**

- 1. Welcome & Introductions** [FITZPATRICK]
- 2. Approval of Minutes of November Meeting** [FITZPATRICK]
- 3. Report of Chair** [FITZPATRICK]
- 4. Report of Vice Chair** [POTTS]
- 5. Report of Section Administrator** [ORLOFF]  
Administrative Matters

## **II. ADMINISTRATIVE MATTERS**

- 1. Finance and Budget – Financial Report** [POTTS]
- 2. Council of State Bar Sections** [GODSHALL]

## **III. COMMITTEE, TASK FORCE AND LIAISON REPORTS**

- 1. Litigation Committee** [HORTON]
  - (a) Fiduciary self-representation in court [Horton]
  - (b) California Law Revision Commission Tentative Recommendation on Statute of Limitations for Legal Malpractice [Wolff]
  - (c) New cases [Kovar]
  - (d) Combining will/trust procedures [Kovar] [Streisand]
  - (e) Proposed model ADR rules [Henden]
  - (f) Arbitration on Elder Abuse claims [Corey]
  - (g) Preference for elders in trial and appellate courts [Hand]
- 2. Estate Planning Committee** [PAYNE]
  - (a) PC § 21350 (a)(6) care custodian project
  - (b) Probate Code § 6110 - witness requirements
  - (c) AB 1210 - Cleanup [Reggiardo]
  - (d) AB 1910 Cleanup - posthumously conceived children
  - (e) AB 12 - Nonprobate transfers
  - (f) AB 69 - Multiple party accounts
- 3. Legislation** [REGGIARDO]
  - (a) Mandatory procedures re legislative proposals
  - (b) Report on pending legislation
  - (c) Legislative proposals submitted to State Bar for next year
  - (d) Online Bill Tracking legislative information:  
[www.leginfo.ca.gov/](http://www.leginfo.ca.gov/)

**IMPORTANT GUIDELINES:**

- Please use approved format for legislative proposals.
- Please Use Comment form for comments on legislation as a member of EXCOMM.
- Always write to Larry Doyle, not directly to a member of legislature or legislative staff.
- If you agree to testify, be there unless otherwise notified.

- 4. Conference of Delegates** **[LODISE/MOORE]**  
(a) T&E Resolutions
- 5. Trust & Estate Administration Committee** **[DOCKER]**  
(a) Temporary Trustee powers [**Lodise**]  
(b) Inconsistent requirements for recording deeds in different counties [**Gaw**]  
(c) Creditors' claims revisions  
(d) Suing trustee for breach of fiduciary duty after death of trustee  
(e) PC § 16350 cleanup - Estate of Thomas
- 6. CLRC Committee** **[MOORE]**  
(a) Report on CLRC meeting  
(b) Multiple party accounts  
(c) Other pending or looming CLRC projects  
(d) Uniform Trust Act/Prof. English Report
- 7. Incapacity** **[HARRIS/STERN]**  
(a) PC §§ 1900 -1901 and 2351.5 amendments  
(b) B&PC § 6068.5 — Attorney role in helping at-risk clients [**Lodise**]  
(c) PC § 15642 - HIPAA Issues working group  
(d) Ongoing projects:  
(1) Conservator investment powers – reform of PC §§ 2570 - 2574  
(2) Appointed counsel for the already represented – amendment of PC §§ 1470-1471  
(3) Conservator independent powers – PC §§ 2590-2591  
(4) W&IC § 15657.3 – Estate of Lowrie  
(5) PC § 2356.5  
(e) AB 1101 Task Force [**Lodise**]  
(f) Medi-Cal Update  
(g) AB 1155 - Adoption of Rule of Court [**Potts**]  
(h) AB 10 - Placement of Disabled Persons

- 8. Educating Seniors** [TONG]
- (a) Speakers' Bureau - New Guidance for speakers
  - (b) Your Legal Rights - AMA Funding
  - (c) Coordination with Office of Emergency Services [Pollard]
  - (d) Status of Funding for Information Card and Senior Outreach Plan
  - (e) Review of Estate Planning Brochure [Payne]
  - (f) Review of Elder Abuse Brochure [Corey]
- 9. Ethics Committee** [WOLFF/LODISE]
- (a) Report of Liaison to Revision Commission
  - (b) Status of Ethics Guide Update
  - (c) Rule 3-310 of Rules of Professional Conduct
  - (d) Retreat discussion of substantive issues in Ethics Guide
- 10. Membership & Marketing** [ALBERIO]
- (a) Membership count
  - (b) Marketing of education programs
  - (c) Staffing tables at MCLE programs
- 11. Income and Transfer Taxes** [KAO]
- (a) State Legislation of Note
  - (b) Federal Legislative Developments
- 12. Quarterly** [BURGER]
- (a) Spring 2005 Issue status
  - (b) Summer 2005 Issue status
  - (c) Solicitation of articles
  - (d) Advertising [Streisand]
- 13. Education** [KOONTZ]
- (a) Report on past/pending programs
  - (b) Future programs
- 14. Family Law Liason** [MOORE]
- (a) Family Law § 2640 - Reimbursement
- 15. McAdams and Borissoff Task Force** [LODISE]
- (a) Status

16. **Computer/Internet** [HARTOG]  
(a) Listserve  
(b) Report on Real Property Section Online Journal Index  
(c) Discussion Board  
(d) Archiving ExComm meeting documents
17. **CEB** [DENNIS-STRATHMEYER]  
(a) Upcoming Programs  
(b) Ads in CEB publications
18. **NCCUSL** [KAO]  
(a) Uniform Trust Act  
(b) Uniform Institutional Management of Funds Act  
(c) Uniform Allocation of Tax Act - Birnberg  
(d) New proposals solicitation

**IV. COMING ATTRACTIONS**

**FUTURE EXCOMM EVENTS**

**Next ExComm Meeting**

**MARCH 19, 2005  
OAKLAND AIRPORT HILTON HOTEL - 9:30 A.M. to 3:30 P.M.**